

REMARKS

Claim 1 is revised and new Claim 18 is added in an effort to define patentable subject matter over the art of record. Several of the dependent original claims are amended to depend from new Claim 18, and certain claims also are revised to avoid the grounds of indefiniteness noted by the Examiner. Claim 15 is revised to clarify the wording of that claim. Claims 1-25 remain in this application, with no claim previously allowed.

Claims 5, 6, 10-12 and 16 are rejected as indefinite, due to broad ranges or limitations together with a narrow range or limitation. Those claims are revised to define the broader range or limitation, and new Claims 19-25 are added to retain the narrower ranges or limitations of the respective original claims.

Claims 1-3, 5-14, 16, and 17 are rejected as being unpatentable over *Warthen* (US 4,798,200). The applicant respectfully traverses that rejection, as possibly applied to the amended claims or to new independent Claim 18.

The present invention is an adhesive tape particularly intended for wrapping elongate objects, for example, cables in automobiles, pipes, or the like. The ability of such tapes to be torn at a right angle to the length of a tape is important for such winding tapes (specification, page 2, lines 23-34). The present applicant has discovered (page 4, lines 24-39) that a self-windable adhesive tape having a knit tape-shaped carrier with a material thickness in the range from 0.1 to 1.0 mm and a specific basis weight of 40 - 200 g/m² provides tearability to the adhesive tape and also makes it possible for the adhesive coating to bond to the smooth surface of the carrier without priming. The knit carrier in such case is pileless, and the adhesive coating has a grammage of 20 - 150 g/m².

Warthen, in contrast with the applicant, discloses a self-adhering orthopedic splint. That splint has relatively stiff inelastic monofilaments in the width direction and relatively flexible inelastic yarns in the length direction (column 1, lines 49-51) and is interrupted by at least one lengthwise -running hinged section. *Warthen's* fabric has a layer of pressure-sensitive adhesive.

Nothing in *Warthen* would have suggested, to one of ordinary skill, a self-windable cable winding adhesive tape having the specific limitations called for in independent Claims 1 and 18. Moreover, nothing in that reference recognizes the problems of art adhesive tapes (specification pages 1-4) and overcome by the present applicant, nor the surprising and inexpensively-producible results obtained with a tape having the claimed structural requirements. In particular, *Warthen* fails to disclose or suggest a carrier having a material thickness in the range from 0.1 to 1.0 mm, a specific basis weight of 40 - 200 g/m², and an adhesive coating having a grammage of 20 - 150 g/m². *Warthen* discloses not one of those limitations claimed by the applicant.

The rejection would dismiss *Warthen's* lack of relevant disclosure by saying it would have been obvious "to create a tape" having the structural requirements recited by Claims 1 et al. The applicant respectfully submits that issue of obviousness is not whether one of ordinary skill might have been able to create a tape meeting the claim requirements. Rather, obviousness under 35 U.S.C. § 103 requires some art teaching *suggesting those requirements* to the person of ordinary skill in the art. The present applicant recognized the surprising results obtained with an adhesive tape having the recited limitations. With the applicant's teachings in hand, including the specific structural limitations of material thickness, basis weight, and adhesive coating, all as

disclosed by the applicant, one of ordinary skill in that art may well be able to create such a tape following the applicant's disclosure. Absent that teaching, relying only on *Warthen's* disclosure of an orthopedic splint, one of ordinary skill is uninformed of an adhesive tape meeting the structural and functional requirements as claimed.

Accordingly, Claims 1 and 18 and the claims depending therefrom are patentable over *Warthen*.

New Claim 18, moreover, requires that the knit be a two-yarn system providing the carrier with a smooth side on which the pressure-sensitive adhesive coating is applied. This construction ensures optimal bonding of the adhesive to the base (specification, page 4, lines 36-29). Nothing in *Warthen* even remotely suggests an adhesive tape meeting the requirements of Claim 18 and, for that further reason, Claim 18 is patentable over that reference.

Dependent Claim 7 is revised to recite --is UV crosslinked-- in place of "is preferably UV crosslinkable". The rejection acknowledges that *Warthen* does not mention that his adhesive is crosslinkable. Because Claim 7 now includes a positive recitation of that limitation, that claim is patentable over *Warthen* for this additional reason.

Claim 4 stands rejected as unpatentable over *Warthen* in view of *Murphy* (US 5,762,623). The secondary reference is cited as teaching a hand-tearable tape, and the rejection asserts that it would have been obvious to make the "tape" of *Warthen* hand tearable as suggested by *Murphy*. Given that *Warthen* discloses an orthopedic splint that presumably should withstand crosswise rupture (i.e., tearing), it seems speculative at best that one of ordinary would choose to modify *Warthen's* splint with lateral hand-tearing

characteristics as taught by *Murphy*. In any case, nothing in the applied combination of references would have taught an adhesive tape having the overall limitations of Claims 18 and 7, and so Claim 7 is patentable over that art.

Claims 1-3, 5-14, and 16-17 are rejected as being unpatentable over *Evans* (WO 01/80798). The applicant respectfully traverses that rejection as possibly applied to amended Claim 1, to Claim 18 and the dependent claims. *Evans* merely discloses an adhesive-coated bandage, not an adhesive tape as claimed. Furthermore, *Evans* fails to disclose or teach any of the specific structural requirements of the claims, namely, a material thickness in the range from 0.1 to 1.0 mm, a specific basis weight of 40 - 200 g/m², and an adhesive coating having a grammage of 20 - 150 g/m². Further yet, *Evans* teaches a fabric with a straight yarn in the weft direction, having weft ends that are free like the cut ends of woven products (page 7, lines 28-30). The applicant submits that *Evans* fails to teach a pileless carrier, contrary to the applicant's teachings and the requirements of the claims. Those claims define structural combinations that simply are not taught or suggested by *Evans* and, accordingly, the claims are patentable thereover.

Claim 4 is rejected as unpatentable over *Evans* in view of *Murphy*. The applicant traverses that rejection for the reasons set forth above with respect to those references.

Claim 15 is rejected as unpatentable over *Evans* in view of *Spillane* (US 4,881,383), cited as teaching a warp knitted fabric having a satin-effect. The rejection asserts that it would have been obvious to incorporate the satin stitch with the chain stitch of *Evans* as suggested by *Spillane* to create a bandage having an esthetically pleasing appearance provided by the satin stitches while having the structural integrity provided by the chain stitches. The applicant respectfully traverses that rejection.

Firstly, *Evans* fails to teach an adhesive tape meeting the specific structural requirements set forth in parent Claim 1, as pointed out above. Secondly, it is evident that *Spillane* was concerned with producing a garment fabric having a satin-like back and a brushable (that is, pile) face. Column 2, lines 58-60 refer to post-knitting treatment "to improve the drapability and hand of the fabric", a clear indication that *Spillane's* fabric is intended for garments. The applicant respectfully submits that one of ordinary skill would not have sought to modify the *Evans* bandage disclosure in any relevant way by applying anything disclosed by *Spillane*. Any such combination, in the context of the present invention, is based entirely on hindsight and speculation, not on anything taught or suggested by those references. Moreover, even if the proposed hypothetical combination were somehow made, the result would still lack the requirements of the claimed invention. Accordingly, the claim is patentable over *Evans* in view of *Spillane*.

The foregoing is submitted as a complete response to the Office action identified above. The applicant submits that the application is in condition for allowance and respectfully solicits a notice to that effect.

Respectfully submitted,

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Date: December 21, 2005



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